

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

GEARY T. STRANGE,

PLAINTIFF

V.

NO. 4:05CV82-MPM-EMB

**BARBARA HOLLOWAY, E. L. SPARKMAN,
“UNKNOWN” ELLIS and DONALD CABANA,**

DEFENDANTS

ORDER

Before the Court is plaintiff’s Motion [doc. 47] for assistance with witness expenses. Plaintiff states he has to pay the expenses for his witnesses for trial. Plaintiff’s witness list [doc. 46] filed December 30, 2005, lists three witnesses, Dr. Virginia Victor, Deputy Warden Rogers of the Mississippi State Penitentiary and an unidentified ex-employee of the Mississippi State Penitentiary.

As an initial matter, the Court finds plaintiff has failed to list the proposed testimony of any witness in contravention of the Scheduling Order dated July 22, 2005. As such, it is impossible for this Court to determine the need for the appearance of these witnesses for trial.

Furthermore, it appears to the Court that plaintiff has listed at least two witnesses who are neither incarcerated nor currently employed by the Mississippi Department of Corrections (“M.D.O.C.”). Plaintiff should be reminded that he is responsible for the attendance of free-world witness. These witnesses may only be subpoenaed upon proper motion before the Court for issuance of a witness subpoena. At the appropriate time, plaintiff shall be responsible for tendering to the Court the proper witness/mileage fees (\$40.00 per day and 44.55¢ per mile round trip) and making arrangements for service of any witness subpoena issued by the Court on plaintiff’s behalf.

Lastly, plaintiff must completely identify all witnesses who are not employed by M.D.O.C. by including a full name and a last known address. Therefore, it is

ORDERED that plaintiff's motion is **DENIED**; and he shall file an amended witness list curing the abovementioned defects on or before September 22, 2006.

THIS 5th day of September, 2006.

/s/ Eugene M. Bogen
U. S. MAGISTRATE JUDGE